

Mail Stop Interference
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Paper 1
Filed: 23 July 2009

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

RAYMOND J. ROUSSY
Junior Party
(Application No. 11/067,225)

v.

HOWARD E. JOHNSON, Jr.
Senior Party
(Patent Nos. 6,955,219 and 7,093,657).

Patent Interference No. 105,707 (SCM)
(Technology Center 3600)

DECLARATION - Bd.R. 203(b)¹

¹ "Bd.R. x" may be used as shorthand for "37 C.F.R. § 41.x". 69 Fed. Reg. 49960, 49961 (12 Aug. 2004).

1 **Part A. Declaration of interference**

2 An interference is declared (35 U.S.C. § 135(a)) between the above-
3 identified parties. Details of the application(s), patent (if any), reissue
4 application (if any), count(s) and claims designated as corresponding or as not
5 corresponding to the count(s) appear in Parts E and F of this DECLARATION.

6 **Part B. Judge managing the interference**

7 Administrative Patent Judge Sally C. Medley has been designated to
8 manage the interference. Bd. R. 104(a).

9 **Part C. Standing order**

10 A Trial Section STANDING ORDER [SO] (Paper 2) accompanies this
11 DECLARATION. The STANDING ORDER applies to this interference.

12 **Part D. Initial conference call**

13 A telephone conference call to discuss the interference is set for
14 **1:00 p.m. on 22 September 2009** (the Board will initiate the call).

15 No later than **four business days** prior to the conference call, each party
16 shall file and serve (SO ¶¶ 10.1 & 105) a list of the motions (Bd. R. 120;
17 Bd. R. 204; SO ¶¶ 104.2.1, 120 & 204) the party intends to file.

18 A sample schedule for taking action during the motion phase appears as
19 Form 2 in the STANDING ORDER. Counsel are encouraged to discuss the
20 schedule prior to the conference call and to agree on dates for taking action. A
21 typical motion period lasts approximately eight (8) months. Counsel should be
22 prepared to justify any request for a shorter or longer period.

1 Part E. Identification and order of the parties

Junior Party

Named Inventor: RAYMOND J. ROUSSY, Surrey, Canada

Involved Application: Application 11/067,225, filed 28 Feb. 2005

Title: METHOD OF GEOTHERMAL LOOP INSTALLATION

Assignee: none

Senior Party

Named Inventor: HOWARD E. JOHNSON, Jr., Kennesaw, GA

Involved Patent: Patent 6,955,219, issued 18 Oct. 2005, based on Application 10/613,511, filed 03 Jul. 2003

Title: EARTH LOOP INSTALLATION WITH SONIC DRILLING

Assignee: Enlink Geoenergy Services, Inc.

Involved Patent: Patent 7,093,657, issued 22 Aug. 2006, based on Application 11/247,997, filed 10 Oct. 2005

Title: EARTH LOOP INSTALLED WITH SONIC APPARATUS

Assignee: Enlink Geoenergy Services, Inc.

33 The senior party is assigned exhibit numbers 1001-1999. The junior party is
34 assigned exhibit numbers 2001-2999. Bd. R. 154(c)(1); SO ¶ 154.2.1. The senior
35 party is responsible for initiating settlement discussions. SO ¶ 126.1.

1 Part F. Count and claims of the parties

Count 1

Claim 21 of Roussy's Application 11/067,225

or

Claim 1 of Johnson's Patent 6,955,219

6 The claims of the parties are:

Roussy: 1-15, 18, 20-23

Johnson Patent 6,955,219: 1-22

Johnson Patent 7,093,657: 1-23

The claims of the parties which correspond to Count 1 are:

Roussy: 1-4, 7-8, 11-15, 18, 20-22

- Johnson Patent 6,955,219: 1-16, 18-19

Johnson Patent 7,093,657: 1-12, 16-18, 20-23

The claims of the parties which do not correspond to Count 1, and therefore are not involved in the interference, are:

Roussy: 5, 6, 9, 10, 23

Johnson Patent 6,955,219: 17, 20-22

Johnson Patent 7,093,657: 13-15, 19

The parties are accorded the following benefit for Count 1:

Roussy: . none

Johnson Patent 6,955,219: none

Johnson Patent 7,093,657: 10/613,511, filed 03 July 2003, now Patent 6,955,219, issued 18 Oct. 2005

1 **Part G. Heading to be used on papers**

2 The following heading must be used on all papers filed in this interference,
3 see SO ¶ 106.1.1:

4
5 UNITED STATES PATENT AND TRADEMARK OFFICE

6
7
8 BEFORE THE BOARD OF PATENT APPEALS
9 AND INTERFERENCES

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11
12 RAYMOND J. ROUSSY

13 Junior Party

14 (Application No. 11/067,225)

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16 v.

17
18 HOWARD E. JOHNSON, Jr.

19 Senior Party

20 (Patent Nos. 6,955,219 and 7,093,657).

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22 Patent Interference No. 105,707 (SCM)

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24 (Technology Center 3600)

1 **Part H. Order form for requesting file copies**

2 When requesting copies of files, use of SO Form 4 will greatly expedite
3 processing of the request. Please attach a copy of Parts E and F of this
4 DECLARATION with a hand-drawn circle around the patents and applications for
5 which a copy of a file wrapper is requested.

6
7 /Sally C. Medley/

8 Administrative Patent Judge

9 Enc:

10 Copy of STANDING ORDER
11 Copy U.S. Patent 6,955,219
12 Copy U.S. Patent 7,093,657
13 Copy of claims of Application 11/067,225

14

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16

17 Revised 3 January 2006

1 cc (via overnight delivery):

2

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4

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8 Bethesda, MD 20817

9

10 Attorney for Johnson:

11

12 EnLink Geoenergy Services, Inc.

13 or Howard E. Johnson, Jr.

14 PMB 293

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16 Montrose, CO 81404